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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephen Gold

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09/07/2005

EXAMINER

FAROOQ, MOHAMMAD O

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FORT COLLINS, CO 80527-2400

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,165

Applicant(s)

GOLD ET AL.

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,10,12-17 and 22 is/are rejected.
- 7) ☒ Claim(s) 2,6,8,9,11,18,20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolan et al. U.S. Pat. No. 5,226,137.
2. As to claim 15, Bolan et al. teach license key comprising:
data uniquely identifying a computer entity (i.e. ID field of subkeys; fig. 4; abstract); and
data defining an amount of data storage capacity licensed for use by said computer entity (secured data field; fig. 4; abstract; col. 5, line 5 – col. 6, line 67).
3. As to claim 16, Bolan et al. teach license key data, further comprising:
data describing a model description of said computer entity (DS1205; col. 5, line 5 – col. 6, line 67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolan et al. U.S. Pat. No. 5,226,137 in view of Westfall et al. U.S. Pat. No. 5,155,849.

5. As to claim 12, Bolan et al. teach method comprising the steps of:

storing data uniquely describing said computer entity in a database (i.e. memory/storage) and license key (i.e. ID of subkey; fig. 4; abstract; col. 5, lines 5-14).

However, Bolan et al. do not teach request to modify the data storage capacity of said computer entity, checking whether said computer entity is capable of modification of said data storage capacity; and enabling modification of said data storage capacity of said computer entity. Westfall et al. teach request to modify the data storage capacity of said computer entity, checking whether said computer entity is capable of modification of said data storage capacity; and enabling modification of said data storage capacity of said computer entity (via upgrade flag; (col. 8, line 58-col. 9, lines 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

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6. As to claim 13, Bolan et al. teach method comprises:

data uniquely identifying a computer entity to which said upgrade license key data applies (ID field of subkey; fig. 4; col. 5, lines 5-14);

data defining an amount of data storage capacity (inherent; abstract) which said computer entity can access for use by applications (data field of subkey; fig. 4; abstract; col. 5, line 5 – col. 6, line 67).

7. As to claim 14, Bolan et al. teach method, further comprising the step of:

storing data in said database describing a licensed data storage capacity of said computer entity (inherent; col. 5, line 5 – col. 6, line 67).

8. As to claim 22, Bolan et al. teach method, comprising the steps of supplying the license as an input to a computer including the memory (col. 5, lines 5 – col. 6, line 67).

However, Bolan et al. do not teach accessing additional storage space and increasing the amount of accessible storage space. Westfall et al. teach accessing additional storage space and increasing the amount of accessible storage space (via upgrade flag; col. 8, line 58-col. 9, line 36). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

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9. Claims 1, 3-5, 7, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolan et al. U.S. Pat. No. 5,226,137 in view of Westfall et al. U.S. Pat. No. 5,155,849, further in view of Dubats, U.S. Pat. No. 5,59,496.

10. As to claim 1, Bolan et al. teach computer entity comprising:

a data storage device (inherent; abstract); and

a first license key data (ID field; fig. 4), said first license key data allowing partitioning of said data storage device to provide a first amount of licensed data storage capacity (data field; fig. 4), wherein said first amount of data storage capacity is lower than a total amount of data storage capacity of said data storage device (fig. 4; abstract; col. 5, lines 5-14) .

Bolan et al. do not teach upgrade flag. Westfall et al. teach upgrade flag (col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

Neither Bolan et al. nor Westfall et al. teach one data processor, a user interface and one operating system. Dubats teaches one data processor, a user interface and one operating system (col. 2, lines 20-38). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Bolan et al. and Westfall et al. with Dubats because that would provide report and display event data for specified time periods (col. 2, lines 38-45).

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11. As to claim 3, Bolan et al. teach wherein comprises:

a component for checking the validity of an upgrade license key data (via password; col. 5, lines 5-14).

12. As to claim 4, Bolan et al. teach wherein comprises:

A component for checking whether existing upgrade license key data is already stored on said data storage device (I.D. field; fig. 4).

13. As to claim 5, Bolan et al. teach wherein comprises:

a component for reading a licensed upgrade data storage capacity allowed by upgrade license key data (abstract; col. 5, line 5 – col. 6, line 67)

14. As to claim 7, Bolan et al. teach a method of controlling a computer entity comprising a data storage device (abstract) and said method comprising the steps of:

storing first license key data (ID field, fig. 4), said first license key data allowing partitioning of said data storage device to provide a first amount of licensed data storage capacity, wherein said first amount of data storage capacity is only lower than the total amount of data storage capacity of said data storage device (data field; fig. 4; abstract; col. 5, lines 5-14).

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Bolan et al. do not teach upgrade flag. Westfall et al. teach upgrade flag (col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

Neither Bolan et al. nor Westfall et al. teach one data processor, a user interface and one operating system. Dubats teaches one data processor, a user interface and one operating system (col. 2, lines 20-38). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Bolan et al. and Westfall et al. with Dubats because that would provide report and display event data for specified time periods (col. 2, lines 38-45).

15. As to claim 10, Bolan et al. teach method, comprising the step of:

checking the validity of upgrade license key data by comparing a unique identifier data comprising said upgrade license key data with unique identifier data read from a component of said computer entity (via password; col. 5, line 5 – col. 6, line 67).

16. As to claim 17, Bolan et al. teach a method of operating a computer entity comprising a data storage device (abstract) and method comprising the steps of:

providing a first level of data storage capacity according to first license data stored on a disk sector of said data storage device (inherent; abstract);

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computer entity according to a second license data stored on said data storage device (i.e. subkeys; col. 5, lines 5-14).

Bolan et al. do not teach modifying. Westfall et al. teach modifying (via upgrade flag; col. 8, line 58-col. 9, lines 36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Bolan et al. and Westfall et al. because that would selectively install customer language options in the field as required and to be able to provide a simple means for switching language displays during or after installation of the machine at the customer site (col. 1, lines 60-64).

Neither Bolan et al. nor Westfall et al. teach operating system. Dubats teaches operating system (col. 2, lines 20-38). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Bolan et al. and Westfall et al. with Dubats because that would provide report and display event data for specified time periods (col. 2, lines 38-45).

Allowable Subject Matter

17. Claims 2, 6, 8, 9, 11, 18, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

18. Applicant's arguments filed June 9, 2005 have been fully considered but they are not persuasive.

The examiner disagrees with the applicant in second paragraph of page 13, the remarks, "Bolan et al. fails to disclose a license key that is capable of *changing* the data storage capacity of a computer entity." There is no mention of the word "*changing*" in claim 15.

As to the combination of references, the examiner would like to state that Bolan et al. teaches partitions in memory and Westfall teaches information on a rigid disk. Since rigid disk is a type of memory, the references could be combined by one of ordinary skill in the art.

Furthermore, the examiner disagrees with the applicant upgrading the storage capacity is not taught by the references. Westfall et al. teach in col. 8, line 58- col. 9, line 36, software upgrading requires modification or upgrade of storage capacity (in the rigid disk of the machine). Therefore, Westfall et al. teach upgrade of storage capacity as the applicant states in second paragraph of page 17.

As for the combination of three references, the examiner has already stated the rational for combining Bolan and Westfall. Since the teachings of Dubats is a processor, user interface and operating system which is common to many computer or communication system. It would render obvious to one of ordinary skill in the art at the time of invention to combine the three references together.

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As to the first paragraph of page 19, the examiner has provided further detail of figure 4 of Bolan et al. reference in the independent claims to differentiate between ID field being 64 bits, which is lower than the data field which is 384 bits. Therefore, Bolan et al. teach licensed data storage capacity that is lower than the total data storage capacity.

Finally, after considering all of the factors above, the examiner has retained the rejection of amended claims and newly presented claim 22.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad O. Farooq
August 29, 2005



KIM HUYNH
PRIMARY EXAMINER
9/1/05